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12 TIMOTHY D. COOK, WILLIAM V. CAMPBELL, MILLARD
13 DREXLER, ARTHUR D. LEVINSON, ROBERT A. IGER,
14 ANDREA JUNG and FRED D. ANDERSON

15 [Additional Counsel Listed on Signature Page]

16
17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN JOSE DIVISION**

20 R. ANDRE KLEIN, on behalf of himself
21 and all other stockholders of APPLE INC.,

22 Plaintiff,

23 vs.

24 TIMOTHY D. COOK, WILLIAM V.
25 CAMPBELL, MILLARD ("MICKEY")
26 DREXLER, ARTHUR D. LEVINSON,
27 ROBERT A. IGER, ANDREA JUNG,
28 FRED D. ANDERSON, ESTATE OF
STEVEN P. JOBS, deceased, and DOES 1-
30, inclusive,

Defendants

-and-

APPLE INC., a California corporation,

Nominal Defendant.

Case No. 5:14-cv-03634-EJD

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO
RESPOND TO COMPLAINT**

STIPULATION

Nominal defendant Apple Inc. (“Apple”), defendants Timothy D. Cook, William V. Campbell, Millard Drexler, Arthur D. Levinson, Robert A. Iger, Andrea Jung and Fred D. Anderson (collectively with Apple, “Defendants”), and plaintiff R. Andre Klein (“Plaintiff”), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, on August 11, 2014, Plaintiff filed a Verified Shareholder Derivative Complaint (the “Complaint”) against Defendants and the Estate of Steven P. Jobs;

WHEREAS, on August 27, 2014, Plaintiff requested that Defendants waive service of summons;

WHEREAS, on September 16, 2014, Defendants agreed to waive service of summons;

WHEREAS, Defendants’ response to the Complaint is due on or before October 27, 2014;

WHEREAS, Plaintiff has limited the claims alleged in the Complaint against the Estate of Steven P. Jobs to the limits of coverage provided by applicable directors and officers insurance liability policies which provided coverage for claims against Steven P. Jobs while Jobs was employed at nominal defendant Apple Inc.;

WHEREAS, because of the nature of Plaintiff’s claims asserted against the Estate of Steven P. Jobs, Plaintiff must serve the summons and Complaint on all the insurance companies which provided the directors and officers insurance liability policies to Jobs during the relevant time period; there are at least eight such insurance companies;

WHEREAS, Plaintiff requested that Defendants’ counsel accept service of the summons and Complaint on behalf of the Estate of Steven P. Jobs, but Defendants’ counsel was not able to obtain authorization to accept service;

WHEREAS, as a result, Plaintiff has not yet served the Estate of Steven P. Jobs and requires additional time to do so;

WHEREAS, Defendants have not sought or received any prior extensions of time to respond to the Complaint;

WHEREAS, the parties have met and conferred and agree that an extension of the time to respond is appropriate for the served Defendants so that an attempt may be made to set a uniform

1 response date for all defendants, once the Estate of Steven P. Jobs is served; and

2 WHEREAS, the parties have agreed that the deadline for Defendants to respond to the
3 Complaint shall be extended by 30 days to November 26, 2014, to allow Plaintiff to complete
4 service on the Estate of Steven P. Jobs.

5 NOW, THEREFORE, it is hereby agreed to and stipulated by Defendants and Plaintiff,
6 through their respective counsel of record and subject to Court approval, as follows:

7 1. Defendants' time to respond to the Complaint shall be extended to November 26,
8 2014.

9 **IT IS SO STIPULATED.**

10 Dated: October 27, 2014

GEORGE A. RILEY (S.B. No. 118304)
MICHAEL F. TUBACH (S.B. No. 145955)
O'MELVENY & MYERS LLP

13 By: /s/ Michael F. Tubach

14 Michael F. Tubach
Attorneys for Nominal Defendant APPLE
15 INC. and Defendants TIMOTHY D. COOK,
WILLIAM V. CAMPBELL, MILLARD
16 DREXLER, ARTHUR D. LEVINSON,
ROBERT A. IGER, ANDREA JUNG and
17 FRED D. ANDERSON

18 Dated: October 27, 2014

BOTTINI & BOTTINI, INC.
FRANCIS A. BOTTINI, JR. (S.B. No. 175783)
19 ALBERT Y. CHANG (S.B. No. 296065)
20 YURY A. KOLESNIKOV (S.B. No. 271173)

21 By: /s/ Francis A. Bottini, Jr.

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27 Attorneys for Plaintiff R. ANDRE KLEIN
28

* * *

[PROPOSED] ORDER

The above stipulation having been considered and good cause appearing, IT IS SO ORDERED.

Defendants' time to respond to the Complaint shall be extended to November 26, 2014.

DATED: _____

THE HONORABLE EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE

I, Michael F. Tubach, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Extending Time to Respond to Complaint. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Francis A. Bottini, Jr. has concurred in this filing.

By: /s/ Michael F. Tubach

Michael F. Tubach